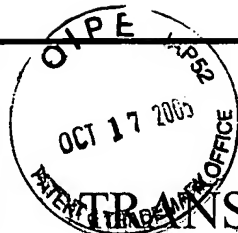


IFW



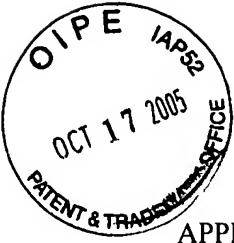
TRANSMITTAL FORM

Application Serial Number	10/808,722
Filing Date	March 25, 2004
First Named Inventor	Beck
Group Art Unit	3743
Examiner Name	Not yet assigned
Attorney Docket No.	BKP-012
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input type="checkbox"/> Petition for Extension of Time <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement (2 pgs.) <input checked="" type="checkbox"/> Supplemental Form PTO-1449 (1 pg.) <input checked="" type="checkbox"/> Copies of IDS Citations (B1; C5) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input type="checkbox"/> Additional Enclosure(s) (please identify below)
--	---	---

CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
Direct all correspondence to: Patent Administrator Kirkpatrick & Lockhart Nicholson Graham LLP 75 State Street Boston, MA 02109-1808 Tel. No.: (617) 261-3100 Fax No.: (617) 261-3175	Respectfully submitted, _____ Thomas A. Turano Attorney for Applicant(s) Kirkpatrick & Lockhart Nicholson Graham LLP 75 State Street Boston, MA 02109-1808



PATENT
Attorney Docket No. BKP-012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Beck et al. CONFIRMATION NO.: 5639
SERIAL NO.: 10/808,722 GROUP NO.: 3743
FILING DATE: March 25, 2004 EXAMINER: Not yet assigned
TITLE: Method and Device Responsive to Diaphragmatic Activity for Adjusting
Positive Pressure Assist During Expiration

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the non-U.S. patent document and non-patent publication are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☒ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☐ (2) after the period defined in (1) above but before the mailing date of any of a **final action** under 37 C.F.R. 1.113, a **notice of allowance** under 37 C.F.R. 1.311, or an action that otherwise closes prosecution in the application, and
- ☐ the requisite Statement is below, **OR**
- ☐ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein; or

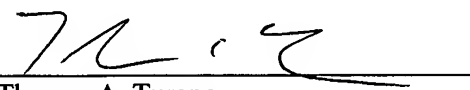
- ☐ (3) after the period defined in (2) above but before the payment of the **issue fee**, **AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

Respectfully submitted,

Date: October 13, 2005
Reg. No. 35,722

Tel. No.: (617) 261-3148
Fax No.: (617) 261-3175


Thomas A. Turano
Attorney for Applicant(s)
Kirkpatrick & Lockhart Nicholson
Graham LLP
75 State Street
Boston, Massachusetts 02109-1808



FORM PTO - 1449 SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	ATTORNEY DOCKET NO.: BKP-012 APPLICANT(S): Beck et al. SERIAL NO.: 10/808,722 FILING DATE: March 25, 2004 GROUP NO.: 3743
--	--

U.S. PATENT DOCUMENTS

EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A2	5,820,560	10/13/1998	Sinderby et al.			
	A3	6,273,088	08/14/2001	Hillsman			
	A4	6,390,091	05/21/2002	Banner et al.			
	A5	6,622,726	09/23/2003	Du			

FOREIGN PATENT DOCUMENTS

EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG (Y/N)
	B1	2004/047621	06/10/2004	WO				N	Y

OTHER ART, JOURNAL ARTICLES, ETC.

EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)	
	C5	International Search Report, International Application No. PCT/CA05/000095, Mailed May 25, 2005, 7 pgs.
EXAMINER		DATE CONSIDERED



PATENT
Attorney Docket No. BKP-012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Beck et al. CONFIRMATION NO.: 5639
SERIAL NO.: 10/808,722 GROUP NO.: 3743
FILING DATE: March 25, 2004 EXAMINER: Not yet assigned
TITLE: Method and Device Responsive to Diaphragmatic Activity for Adjusting
Positive Pressure Assist During Expiration

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13th day of October, 2005.


Lori Calnan

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is/are:

- Transmittal Form (1 pg.);
- Supplemental Information Disclosure Statement (2 pgs.);
- Supplemental Form PTO-1449 (1 pg.);
- Copy of IDS Reference (B1; C5);
- Certificate of First Class Mailing (1 pg.); and
- Return Receipt Postcard.